1944 **File No.** B Rent Restriction

Legal Deptt 44

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Subject:— Governors Bill No V of 1944

A Bill to amend the Bombay Rent Restriction Act, 939

Bom. Act No V of 1944

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Leln

page 6

File No. B Rent Restriction/44

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CONTENTS.

Legal Department File No. B.Rent Restriction/44

Sr. No.	R.I./ O.No.	Subject	Pages
		A Bill to amend the Bombay Rent Restriction Act, 1939.	
1.	U.R. to G.D.No 8797 dt.29th Nov.1943.	Draft Bill	1-2
2.	G.L.L.D.No. 1909 dt.15th March 1944	Requesting Governor to give assent.	3-4
3.	L.D.R.I.No. 2966dt.30 March 1944 and L.D.R.I.No. 3009 dt.31st March 1944	Governor's assent.	5-8
4.	G.R.L.D.No. 2416dt.30 March 1944	Publication of the Act.	9-12

Office of the R.L.A.

The draft Bill at page 3 as slightly amended, is in order, The draft Statement at page 5 has been revised on the lines of the Statement apprended to the Bombay Reht Restriction(Amendment) Act, 1943(Bom. IV of 1943).G.D.should consider whether it is in order.

2. Under executive instructions,the Bill requires the previous concurrence of the Governor General before enactment(please see Secretary to the Governor's Circular No.201(12),dated the 18th December 1939).

3. The subject matter of the Bill falls under entry No21 in List II and entires Nos.4,8,19 and 15 in list III of the Seventh Schedule to the Government of India Act, 1935. As section 5,10 and 11 of the Bombay Rent Restriction Act 1939 are repugnant to the provisions of the existing Indian law contained in sections 108 (1)and108(q) of the Transfer of Property Act, 1882,and as section 13 if repugnant to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small causes Courts Act, 1882,and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of the Governor-General with reference to paragraph(2)of the Proclamation and section 107(2)of the Government of India Act, 1935.

4. As already pointed out in para. 4 of R.L.A. No.96- Confl. dated 28.2.43,before the papers are referred to the R.L.A. for scrutiny of a Bill, the adminstrative department has to follow the procedure laid down in instruction 25 of the Instructions issued under rule 15 of the Rules of Business and in Secretary to the Governor's Cricular No.12/1,dated the 10th May 1937 and P. & S.D. Cricular No.996,dated the 3rd September 1938 and Secretary to the Governor's Circular No.201(41),dated the 30th Sepetember 1941. The papers will have to be submitted to H.E. the Governor through all the advisers.

Sd/- P.N.M.
29-11
Remembrancer of Legal Affairs,

M.R.D. U.R.to G.D.No.8797,dated the 29th November 1943.
12-758

IMMEDIATE. No.1989.
Legal Department,
Bombay Castle, 15th March 1944.

From:-
P.N.Moos, Esquire, Bar- at Law, I.C.S.,
Secretary to the Government of Bombay.

To:-
The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

With reference to your Memorandum No.201(57), dated the 25th January 1944 addressed to the General Department, on the above subject, I am directed to forward herewith a copy of the Bill to amendthe Bombay Rent Restriction Act, 1939, prepared by His Excellency the Governor of Bombay under paragraph (2) of the Proclamation dated the 4th November 1939 sued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c)or(d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject matter of the Bill falls under entry No,21 in List II and entires Nos,4,8,10 and 15 in List III of the Seventh Sehedule to the Government of India Act, 1935. As section 5,10and 11 of the Bombay Rent Restriction Act, 1939, are repugnant to the provisions of the existing Indian law contained in sections 108(1) and 108(q) of the Transfer of Property Act, 1882, and as section 13 is repugnat to the provisions of the existing Indian law contained in Chapter VIII of the Presidency Small Cause Courts Act, 18 82, and as the Bill is intended to extend the life of the Bombay Rent Restriction Act, 1939, for a further period of one year, the Bill will have to be reserved for the consideration of the Governor-General with reference to paragraph(2)of the Proclamation and section 107(2)of the Government of India Act, 1935.

4. I also forward herewith six sapre copies of the Bill, out of which five copies are for transmission to the Secretary to the Governor General (Public).

5. It is requested the His Excellency the Governor-General may be moved to give his assent to the Bill and to convey the assent by telegram if necessary so as to enable this Government to publish the assent before the 31st March 1944 as the old Act expires on that day and the new Act must come into force on that date.

I have the honour to be,

Sir,

Your most obedient servant,

Id/- P.M.M.
15-3-44

Secretary to the Government of Bombay

Legal Department.

Through:

The Secretary to the Government of Bombay,

General Department.

M.R.D.
13-7-56

No.201(57)

IMMEDIATE

Office of the Governor's Secretary,
Government House,
Bombay 29th March 1944.

From

D.Symington, Esquire, CIE.ICIS.
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department Bombay.

Subject:- A Bill to amend the Bombay Rent Restriction Act, 1939.

Sir,

With reference to your letter No,1989, dated the 15th March 1944, on the above subject, I am directed to state that intimation has been received from the Secretary to the Governor-General(Public) that His Excellency the Governor-General has assented to the Bill to amend the Bombay Rent Restriction Act, 1939, on the 24th March 1944.

Your obedient servant

Sd/-

for Secretary to the Governor of Bombay.

M.R.D.
12-7-56
C.4

No.201(57)
Office of the Governor's Secretary
Government House,
Bombay, 30th March 1944.

From,
D. Symington, Esquire, CIE, ICIS.
Secretary to the Governor of Bombay,

To.
The Secretary to Government,
Legal Department, Bombay.

Subject:- The Bombay Rent Restriction (Amendment)Bill,1944.

Sir,

In continuation of my letter No.201(57), dated the 29th March 1944, on the above subject, I am directed to forward herewith the copy of the Bombay Rent Restriction(Amendment)Bill,1944, with His Ecellency the Governor-Generlas assent. signified thereon.

Your obedient servant,

Sd/-

for Secretary to the Governor of Bombay.

M.R.D.
13-7-56
C.4

Acts-
Publication of the Bombay Rent Restriction(Amendment)Act, 1944.

GOVERNMENT OF BOMBAY.
LEgal Department,
Resolution No.2416
Bombay Castle 30th March 1944.

Letter to the Secretaty to the Govern, No.1989, dated the 29th March 1944.

Letter from the Secretary to the Governor,No.201(57), dated the 29th March 1944.

"With reference to your letter No.1989,dated the 15th March 1944, on the above subject, I am directed to state that intimation has been received from the Secretaty to the Governor-General (Public) that His Excellency the Governor-General has assented to the Bill to amend the Bombay Rent Restriction Act, 1939, on the 24th March 1944.

RESOLUTION:- The law should be published as Bombay Act No. V of 1944, in the Bombay Government Gazette dated the 30th March 1944.

2. The Act should be translated into Marathi,Gujarati,Kannada and Hindustani(in Urdu and Degnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwared to the General Dapartment.

By order of the Governor of Bombay,
Sd/-
P.N.MOOS 30/3
for{ Secretary to Government.

To
The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 15 gazette copies of the Act may be forwared to the Legal Department);
The General Department;
* The Oriental Translator to Government;
The Secretary to the Bombay Legislative
The Secretary to the Bombay Legislative Assembly.
} with a copy of the Act,

with five extra copies.

BOMBAY ACT No. V OF 1944.

(First published after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 30th March 1944.)

An Act to amend the Bombay Rent Restriction Act, 1939.

WHEREAS it is expedient to amend the Bombay Rent Restriction Act, 1939, for the purpose hereinafter appearing; Bom. XVI of 1939.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. (*1*) This Act may be called the Bombay Rent Restriction (Amendment) Act, 1944. Short title and commencement.

(*2*) It shall come into force on the 31st day of March 1944.

2. In sub-section (*3*) of section 1 of the Bombay Rent Restriction Act, 1939, for the figures "1944" the figures "1945" shall be substituted. Bom. XVI of 1939. Amendment of section 1 of Bom. XVI of 1939.

STATEMENT.

The extended term of the Bombay Rent Restriction Act of 1939, which restricts the increase of rents of premises not exceeding Rs. 80 per mensem expires on 31st March 1944. Government considers it necessary to continue the restriction and proposes to extend the term of the Act for a further period of one year from 1st April 1944 and to amend the Act accordingly.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.